

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
IN ADMIRALTY

Civil Action No.: 7:22-CV-00041-BO

SHM SHV, LLC)	
)	
Plaintiff,)	
)	
v.)	
)	
S/V KELLY ALLEN, Hull Identification)	
Number XDYQ0151M80F, USCG)	
Official No. 657833, her masts, sails,)	
rigging, engines, anchors, furniture,)	
equipment, appurtenances, etc., <i>in rem</i> ,)	
and ROBERT S. GRIFFITH II,)	
<i>in personam</i> ,)	
Defendants.)	
)	

ORDER OF DEFICIENCY
JUDGMENT

This matter is before the court on Plaintiff's Motion for Deficiency Judgment concerning the *in rem* Defendant the S/V KELLY ALLEN, Hull Identification Number XDYQ0151M80F, USCG Official No. 657833, her masts, sails, rigging, engines, anchors, furniture, equipment, appurtenances, etc. (the "KELLY ALLEN"). Having reviewed the Motion, the record in the case, and the Complaint, the Court makes the following FINDINGS OF FACT:

1. This action was commenced by the filing of a Verified Complaint in this action in a cause for foreclosure on a lien against the KELLY ALLEN, and also for any deficiency from the *in personam* Defendant Robert S. Griffith II.

2. On August 23, 2022 at the U.S. Courthouse located at 1003 South 17th Street, Wilmington, NC 28401, the KELLY ALLEN, was sold free and clear of all encumbrances to Harper Peterson for \$10,500.00 pursuant to an Order entered by

this Court.

3. Harper Peterson deposited the cash sum of \$1,050.00 with the U.S. Marshal at said sale, as required by the aforecited Order and subsequently paid the remaining balance to the U.S. Marshal.

4. The Confirmation of Sale was signed and entered on October 25, 2022.

5. Notice of the arrest of the KELLY ALLEN was timely and properly served upon all interested persons.

6. No party, person, or entity has made an objection or an appearance in this action on behalf of the *in rem* Defendant the KELLY ALLEN or the *in personam* Defendant Robert S. Griffith II within the time prescribed by the Local Admiralty Rule E.12(g).

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:

1. There is a deficiency between the sale price of the KELLY ALLEN and the expenditure of monies for costs prior to the sale of the KELLY ALLEN, which deficiency totals \$1,313.29.

2. Pursuant to the sale of the KELLY ALLEN, on August 23, 2022, the Plaintiff is entitled to have a personal and deficiency judgment against the *in personam* Defendant Robert S. Griffith II as follows:

Amount of lien: **\$ 11,813.29**

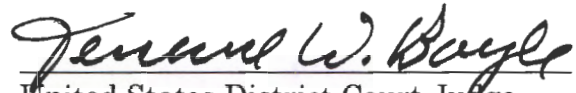
Slip License Agreement **\$ 8,267.20**

Marine Survey **\$ 200.00**

Risk Insurance **\$ 18.60**

Federal Court Fees	\$ 402.00
U.S. Marshal Costs	\$ 1,510.91
Attorney's Fees	\$ 1,187.58
Miscellaneous Fees	\$ 227.00
Total Judgment	\$ 11,813.29
LESS: Amount of Bid	\$ 10,500.00
DEFICIENCY JUDGMENT ENTERED AGAINST ABOVE NAMED DEFENDANT	\$ 1,313.29

SO ORDERED, this the 18 day of December, 2022


United States District Court Judge
Eastern District of North Carolina